GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

M.A. & U.D. Department - APUFIDC – Externally Aided Projects (EAP) – Andhra Pradesh Urban Water Supply and Septage Management Improvement Project (APUWS & SMIP) with the Assistance of AIIB – Exemption of all the Agreements in force and all works to be taken up under the Andhra Pradesh Urban Water Supply and Septage Management Improvement Project (APUWS & SMIP) funded by the Asian Infrastructure Investment Bank (AIIB), from Tender cum Reverse Auctioning process and Judicial Preview and to follow the tendering process as per the AIIB procurement guidelines – Orders – issued.

MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT (UH) DEPARTMENT

G.O.Ms.No.186 Dated: 26-10-2020.

Read the following:-

1. G.O.Ms.No.144, MA&UD(UH) Dept. dt.07.05.2018.
2. G.O.Ms.No.260, MAUD (UH) Dept. dt.07.08.2018.
3. G.O.Ms.No.404, MAUD (UH) Dept. dt.17.12.2018.
4. From the MD, APUWS&SMIP, Vijayawada, Letter No.2233/APUFIDC/External-aided/ AIIB/2015, dated Nil.
5. G.O.RT.No. 199, M.A. & U.D. (UH) Department, Dated: 22-04-2020.
6. From the MD, APUWS&SMIP, Vijayawada, Letter No.2233/APUFIDC/ External-aided/ AIIB/2015, dated 25-05-2020.

&&&&

ORDER:

In the G.O. 1st read above, Government accorded administrative approval for the Andhra Pradesh Urban Water Supply & Septage Management Improvement Project (APUWSSMIP) with a total project amount of Rs.4188.71 Cr. The A.P.Urban Finance & Infrastructure Development Corporation Limited (APUFIDC) was designated as Nodal Agency for AIIB project and authorize the Managing Director, APUFIDC for entering into Agreements, MoUs and for making all future correspondences with the AIIB. Government also designated Public Health & Municipal Engineering Department as single Implementing agency for all the packages of all the Projects taken up under AIIB and also accord permission to the Engineer-in-Chief, Public Health, Guntur for calling tenders duly clubbing the projects of individual ULBS in to clusters & following the procurement guidelines of AIIB, as the AIIB has agreed for retroactive financing".

2. In the G.O. 2nd read above, administrative sanction was accorded for an amount of Rs.2249.59 Crores to take up Water Supply Projects in 21 Urban Local Bodies covered in Nellore and Anantapuram Circles under externally aided projects assisted by Asian Infrastructure Investment Bank (AIIB) duly following the suggestion made by the AIIB Team.

3. In the G.O. 3rd read above, revised administrative sanction orders were issued for an amount of Rs.5188.62 crores to the Andhra Pradesh Urban Water Supply & Septage Management Improvement Project (APUWSSMIP) for Providing Infrastructure facilities in Urban Local Bodies in the State and accorded administrative sanction for an amount of Rs.2685.58 crores for the individual projects of the Phase-II for Providing Infrastructure facilities in Urban Local Bodies in the State.

4. In the G.O.Ms.No.67, Water Resources (Reforms) Dept., Dt. 13-08-2019, Government issued guidelines for implementation of the Tender cum Reverse Auctioning process or Reverse tendering for execution of ongoing works and fresh works. Further, the Government have enacted A.P. Infrastructure (Transparency through Judicial Preview) Act, 2019 (A.P. Act No. 34 of 2019) to fast track infrastructure development in the State through transparent process to secure competition and equal opportunity. In order to implement the provisions of the Act, Govt., have issued Rules vide G.O. No.69, III (Airports) Department, dt:20-08-2019 obligating Judicial Preview for tendering process for the works with value of Rs.100.00 Cr and above.

5. In the G.O. 5th read above, Government accorded revised administrative approval for Rs.5350.62 Cr against the Administrative Sanction of Rs.5188.62 Crores issued in the G.O. 3rd read above for the project of the Andhra Pradesh Urban Water Supply & Septage Management Improvement (APUWSSMIP) for Providing Infrastructure facilities in Urban Local Bodies in the State and also accorded approval to adopt reverse tendering and to go for judicial review for the project, subject to taking clearance from AIIB for the revised cost as well as for adopting reverse tendering and judicial preview. In case AIIB doesn't agree for the revised additional cost, the same shall be borne by the respective ULBs.

6. Accordingly, the M.D., APUFIDC, has requested the AIIB to accord permission for implementation of Judicial Preview for tendering process for the works with value of Rs.100.00 Cr and above and also for implementation of the Tender cum Reverse Auctioning process vide Lr.No.2233/ APUFIDC/External Aided/AIIB/2015, of M.D., APUFIDC, Dt: 30-04-2020. In response, the Lending agency i.e. the AIIB has not accepted the new procedures introduced in the G.Os., mentioned above i.e., G.O.Ms.No.67, Water Resources (Reforms) Department, dated: 16-08-2019 and the G.O.Ms.No.69, III&C (Airports) Department, dated 28-08-2019 for implementation of Reverse auctioning tender process & Judicial Preview respectively and advised to proceed with project implementation as planned, including with regards to the procurement procedures as agreed by the Republic of India, GOAP and AIIB and set out in the Loan Agreement and Project Agreement for the Project to be followed. The MD, APUFIDC, Guntur in his letter 6th read above, has therefore, requested the Government to exempt from judicial preview and tender cum reverse auctioning process for the works taken up under APUWS&SMIP and to allow the tendering process as per the AIIB procurement guidelines.

7. After examining the matter, it is observed that, the Loan Agreement with AIIB is signed on 25-2-2019 i.e. prior to issuance of the G.O.Ms.No.67, Water Resources (Reforms) Department, dated: 16-08-2019 & G.O.Ms.No.69, III&C (Airports) Department, dated 28-08-2019 and as per the view of the Ministry of Finance, Government of India, communicated vide their letter F.No.7/3/2013-FB-VI, dated 3-4-2020, the Loan Agreements are with International Agencies and the State Laws shall be exempted from the implementation on such projects.

8. In view of the above, Government after careful examination, hereby accord approval for exemption of all the Agreements in force and all works to be taken up under the Andhra Pradesh Urban Water Supply and Septage Management Improvement Project (APUWS & SMIP) funded by the Asian Infrastructure Investment Bank (AIIB), from Tender cum Reverse Auctioning process and Judicial Preview as issued in the G.O.Ms.No.67, Water Resources (Reforms) Department, dated 16-08-2019 & G.O.Ms.No.69, I.I.I. & C. (Airports) Department, dated 28-08-2019 respectively and to follow the tendering process as per the AIIB procurement guidelines.

9. The Managing Director, APUFIDC. Guntur shall take necessary action in the matter accordingly.

10. This order issued with the concurrence of the Finance (FMU-EFS&T, MA & UD, CRDA) Department vide their Endt. No: FIN01-PMU0EAP (APP)/29/2020-EAP, Dated 05-07-2020 (Computer No: 1172933)

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

SYAMALA RAO JAMJAM
SECRETARY TO GOVERNMENT

To
The Managing Director, APUFIDC., Guntur.
The Engineer-in-Chief Public Health, Tadepalli, Guntur.
The Commissioner & Director of Municipal Administration, Guntur.
Copy to:-
The Secretary to Government of India, Department of Economic Affairs, Ministry of Finance, New Delhi.

The Secretary to Government of India, Ministry of Housing & Urban Affairs, Nirman Bhavan, New Delhi.
The Special Chief Secretary to Hon'ble Chief Minister.
The PS to Minister for Municipal Administration.
The PS to Chief Secretary to Government.
The PS to Spl.Chief Secretary, Finance Department.
The PS to Prl.Secretary, MAUD Department.
The Finance (FMU.I&I-EF&MA) Department.
The Water Resources (Reforms) Department.
The I.I.I. & C (Airports) Department.
Sf/Sc

// FORWARDED::BY ORDER //

SECTION OFFICER